

EXHIBIT L

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

NO. 1:16-cv-03088-ELR

VICKIE D. CLEVELAND

August 17, 2022



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1 A 2017, correct. Yes.

2 Q Thank you. Just wanted to get it correct
3 on the record.

4 A See the timeline. I'm trying to think of
5 the timelines.

6 Q Thank you.

7 When you applied, did you assume it was
8 going to be similar responsibilities to what you
9 were doing as the interim program manager?

10 A Yes, and that was a short window, too,
11 from November to February, but yes.

12 Q And what did you understand the role to be
13 of the GNETS program manager?

14 A To provide technical assistance to the 24
15 programs that are out there across the State
16 throughout the network; to work with the budget
17 division in looking at allocations for GNETS
18 funding; working with them to allocate those funds
19 to the GNETS programs; working with the budget
20 division within special education to review budgets
21 that were submitted for approval with them;
22 providing technical assistance around the strategic
23 plan, which is the framework for issues for
24 implementation of the GNETS program; training on the
25 Board rule to GNETS directors and also LEAs if

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1 needed.

2 I'm trying to think what else.

3 And just providing professional learning
4 and technical assistance as needed and throughout
5 the year for GNETS directors.

6 Q Have these responsibilities changed as
7 your -- during your time as program manager?

8 A The responsibilities are still the same.
9 Still -- maybe more training, collaborative training
10 with other divisions, like making sure GNETS has
11 access to TKES and LKES training, professional
12 qualifications, working with Title II. So I worked
13 with some other units to get technical assistance to
14 GNETS directors.

15 Q You just mentioned TKES and LKES?

16 A That is the evaluation system for teachers
17 in the State of Georgia and LKES is the evaluation
18 tool that is used for leaders in the State of
19 Georgia.

20 So Title II provides training for the
21 GNETS directors on the TKES piece. Because all
22 teachers are evaluated on TKES.

23 Q What does Title II refer to?

24 A Title II, the piece that I collaborate
25 with my colleagues on, is the certification, teacher

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1 certification piece.

2 Q So you work on the certification piece
3 within Title II?

4 A I don't work on that piece, but Karen
5 Cliett leads the professional qualifications Title
6 II, which is certification piece of that, and she
7 provides training to GNETS directors. So I reach
8 out to her to find out when she can provide that
9 training.

10 Q And is this Title II of state law or
11 federal law?

12 A Title II is federal law. I just know it's
13 in the Title II Division, and I just work with her
14 on the training.

15 Q How did you spell her name? Or how do you
16 spell her name?

17 A I think it's Karen, K-A-R-E-N, Cliett,
18 C-L-I-E-T-T.

19 MS. TUCKER: I'd like the court reporter
20 to mark this document as Plaintiff's Exhibit
21 375 because we used 374 yesterday.

22 (WHEREUPON, Plaintiff's Exhibit-375 was
23 marked for identification.)

24 MS. TUCKER: So the Bates number on the
25 first page of this exhibit is Georgia 00317569.

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1 BY MS. TUCKER:

2 Q And this is an email that you forwarded
3 yourself on March 16th, 2018, and it has one
4 attachment, correct?

5 A Yes.

6 Q The underlying email was sent to you by
7 Nakeba Rahming on March 13th, 2018, correct?

8 A Uh-hum. (Affirmative.)

9 Q We'll have to remember to say yeses
10 instead of an uh-hum and nods.

11 A Yes.

12 Q Thank you, Ms. Cleveland.

13 Do you recognize this email?

14 A I do.

15 Q And earlier we went over Nakeba Rahming
16 and Zelphine Smith-Dixon, correct?

17 A Yes.

18 Q And Nakeba Rahming was Zelphine's deputy
19 for a time, correct?

20 A Yes.

21 Q Let's flip to the first page of the
22 attachment.

23 A Okay.

24 Q Which starts with GA0031751.

25 571.

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1 GA00317571.

2 Do you recognize this chart?

3 A Yes.

4 Q Did you create this chart?

5 A I don't recall creating the chart. Well,
6 let me make sure.

7 I know we talked about -- we met and
8 talked about what the responsibilities would look
9 like, Nakeba and I, and Zel was a part of that
10 conversation, and we talked about what
11 responsibilities I would have in the role.

12 So I cannot definitively say I just
13 created it, but I know we had discussion about what
14 my responsibilities would be.

15 Q And by "we," you mean Nakeba Rahming --

16 A Yes, and Zel.

17 Q And by Zel --

18 A Zel --

19 Q You mean Zelphine --

20 A Zelphine Smith-Dixon.

21 Q And the top of this charts reads: "GNETS
22 Program Manager Support, Vickie Cleveland."
23 Correct?

24 A Yes.

25 Q At the top, am I correct that it reads

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1 "Direct report to Nakeba for 2 years"?

2 A Yes.

3 Q Why two years?

4 A That was determine -- a recommendation she
5 had made as the deputy because she had served in
6 this previous role, and she wanted me to work with
7 her for a couple of years. That's kind of to shadow
8 because she had done the role before, but
9 unfortunately she did not return.

10 Q And then after the two years, everything
11 was -- all of the support was with Zelfhine?

12 A Yes. She was my direct supervisor.

13 Q It seems like there are some
14 responsibilities identified on this chart. Would
15 you agree?

16 A Yes.

17 Q Are there any responsibilities that are
18 missing?

19 Can you take a look?

20 A Okay.

21 (Witness reviews exhibit.)

22 A I'm trying to think if there's anything in
23 addition to all that.

24 That seems to -- correct.

25 Q I believe earlier you mentioned that

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1 Zelfphine evaluated you and not Nakeba Rahming?

2 A Correct.

3 Q On the column with Nakeba, do you see
4 where it says, "Vickie's performance evaluation"?

5 A Uh-hum. (Affirmative.)

6 Q So did Nakeba Rahming evaluate you?

7 A No. She -- when I came on board in
8 February 2018, she left in April. So I did not
9 receive an evaluation from her. And I had a short
10 window of working with her as kind of a
11 co-supervisor because I came on board February and
12 she left in April.

13 Q She left in April 2018?

14 A Yes.

15 Q There are a few abbreviations or acronyms
16 on this chart.

17 A Okay.

18 Q What is OPB?

19 A Office of Planning and Budget.

20 Q Within GaDOE?

21 A No. That is within the State, the budget
22 office.

23 Q The IDT?

24 A That's the independent directors -- I'm
25 trying to think what the "T" stands for, but it's

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1 through an umbrella. I don't know a lot of
2 specifics about it, but it's a System of Care.

3 Q Is it specific to students?

4 A I don't think so. I'm not sure. I don't
5 think so. I'm not sure.

6 Q Let's move over to the second column,
7 starting with "Collaborative support from Zelfphine."

8 A Uh-hum. (Affirmative.)

9 Q The second bullet, do you see where it
10 says, "CFM visits"?

11 A Yes.

12 Q What is CFM?

13 A Cross-functional monitoring visits are
14 monitoring that takes place through Federal
15 Programs. In the Special Education Division the
16 cross-functional monitoring visits are done by RDA,
17 results driven accountability, Team, and they go out
18 and review. I know they take a look at IEPs and
19 look at IEPs for compliance.

20 And if they find any findings, as far as
21 the compliance piece of IEPs, they would notify me
22 if there were findings within their visits.

23 Q And by IEP, are you referring to an
24 Individualized Education Plan?

25 A Yes.

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1 Q And it says, "Collaborate with DLs"?

2 A Those are the district liaisons. They're
3 the staff that go out to do the cross-functional
4 monitoring visits with the different LEAs.

5 Q And they also look at GNETS programs?

6 A They do file reviews, is my understanding,
7 and then the file reviews they do look at -- I think
8 for each visit to GNETS files they review.

9 Q Is that set somewhere as a rule, that it's
10 two GNETS files per review?

11 A I'm not sure if we would define it as a
12 rule, but I know that has been the process that has
13 been articulated to me, that they do review two
14 files when they go out to do those visits.

15 Q And are those visits annual?

16 A I think it's a three-year rotating cycle.
17 Every three years different fiscal agents are
18 reviewed. So it's a three-year rotation.

19 Q Thank you.

20 A Uh-hum. Sure.

21 Q The fourth bullet down reads: "Present at
22 SELDA as needed." Correct?

23 A Yes.

24 Q What is SELDA?

25 A SELDA is a Special Education Leadership

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1 Development Academy.

2 It's an academy for new directors of
3 special education that's led by -- led through the
4 Special Education Office Division.

5 Q What do you present on?

6 A I've presented probably maybe twice to
7 SELDA, and my presentation is around GNETS. The
8 Board rule, explain the Board rule.

9 Some of my training has been defining the
10 roles, LEA responsibilities, GNETS directors'
11 responsibilities.

12 Q And the SEA responsibility?

13 A Yes, and the SEA responsibilities. I
14 presented -- yeah, around the rule and the
15 responsibilities defining those roles.

16 Q And by SEA, do we agree we mean state
17 education agency?

18 A That is correct.

19 Q Let's go down two bullets. Do you see
20 where it reads "Collaborate on PL" and then in
21 parenthesis "GLRS support."

22 A Uh-hum. (Affirmative.)

23 Q You see that?

24 A I do, yes.

25 Q Could you please tell me what that means?

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1 A The Georgia Learning Resource Services are
2 our regional leaders. I'm not sure how many there
3 are, but I have not done a lot of collaboration with
4 our former GLRS program manager.

5 So that was listed but I have not done a
6 lot of collaboration with GLRS.

7 Q And by PL, what did it mean?

8 A Professional learning.

9 Q Is this something you look to do more of?

10 A It could be but I have not had any
11 planning on it.

12 Q Thank you.

13 And you mentioned this captures the
14 majority of your responsibilities? Is that correct?

15 A It does capture the majority, yes.

16 Q Thank you.

17 MS. TUCKER: I'd like the court reporter
18 to mark this document as Plaintiff's Exhibit
19 366 -- 376.

20 The Bates number on the first page of this
21 exhibit is Georgia -- or GA00016072.

22 (WHEREUPON, Plaintiff's Exhibit-376 was
23 marked for identification.)

24 BY MS. TUCKER:

25 Q This is a February 1st, 2018 email from

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1 Nakeba Rahming to the regional GNETS program
2 directors with the subject line "GNETS Program
3 Manager," and you are copied to this email.

4 Mrs. Cleveland, do you recognize this
5 email?

6 A I do.

7 Q Am I correct that in this email Nakeba
8 Rahming officially announces you as the GNETS
9 program manager?

10 A Yes.

11 Q Do you see where Nakeba Rahming writes, in
12 the last sentence, quote: "She and I will continue
13 working together to ensure that you and your
14 students continue to have direct representation and
15 support at the state level."

16 A Yes.

17 Q Am I correct that Nakeba Rahming is
18 referring to you as the "she" --

19 A Yes.

20 Q -- in that, in that sentence? Am I
21 correct?

22 A Yes.

23 Q How did you and Nakeba Rahming work
24 together to ensure regional GNETS program directors
25 and their students had direct representation at the

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1 state level?

2 A Coming in in February, again with her
3 leaving in April, did not have a lot of time to plan
4 what that would look like, but it would fall within
5 those responsibilities that I had, that are outlined
6 in what my job responsibilities were going to be to
7 provide that technical assistance, which is
8 training -- which would be my understanding,
9 training, professional learning, and also supporting
10 through the monitoring process. But we did not get
11 to work together on that.

12 Q After Nakeba left in April 2018, would you
13 agree that you had provided that state level
14 representation and support for the regional GNETS
15 programs?

16 A Support in the vein of what those
17 responsibilities are, that I outlined earlier. You
18 know, the responsibilities allocating budgets,
19 reviewing the budgets, strategic plan
20 implementation, monitoring on that.

21 So I would say within my responsibilities,
22 yes, providing technical assistance to those
23 programs.

24 Q And representation and support at the
25 state level, consistent with her words?

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1 MS. JOHNSON: Objection.

2 You can answer.

3 A Say it again. I'm sorry. Can you repeat
4 the question?

5 Q Yes. Ms. Rahming mentioned that she
6 planned for you and her to work to make sure the
7 regional GNETS programs have direct representation
8 and support at the state level. I was wondering if
9 you feel that you may have that direct
10 representation for the regional GNETS programs at
11 the state level?

12 MS. JOHNSON: Objection.

13 You can answer.

14 A I do not see it as direct representation.
15 I see it as providing technical assistance and
16 professional learning support.

17 Q Who have you worked with at GaDOE in
18 connection with your role as GNETS program manager?

19 A I have the responsibilities, with the
20 budget piece, the allocation of budget, I worked
21 with Geronald Bell, who is the budget liaison who
22 works with GNETS.

23 Q And Geronald Bell is a budget liaison
24 within GaDOE?

25 A Yes. Within the budget division, yes.

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1 These are things that I can just pull up
2 and they're right there.

3 Oconee. Coastal I think receives it.
4 Cedarwood, Flint program, Northstar, Northwest
5 Georgia GNETS.

6 Go down the list.

7 Rutland. I'm just going through the list.
8 But those are the ones I can easily recall.

9 Q You hit seven of the eleven?

10 A There are four out there, in here
11 somewhere.

12 Q You mentioned it was based on need. Can
13 you elaborate?

14 A The way it was initially set up, the
15 programs that receive that are in areas where it's
16 difficult to find, you know, providers in those
17 areas because of where they're regionally based, was
18 my understanding.

19 So this grant allows them to, you know,
20 contract out or use it to find supports,
21 professionals to provide therapeutic supports.

22 Q And you earlier mentioned or testified
23 that you monitored the monthly logs, correct?

24 A Yeah. Lakesha receives those and compiles
25 those and shares the updates with me.

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1 Q What do you look for?

2 A One, I'm looking to see if they're
3 evidence-based interventions that the therapists are
4 using, that they're documenting what they are really
5 doing with the students in providing the
6 interventions.

7 Q What do you mean by evidence-based
8 interventions?

9 A Some of the things that are listed here.
10 Line set, cognitive behavior therapy, if they are
11 doing clinical interviewing.

12 It could be -- it looks different for each
13 program, depending on what the need of the kids are
14 that they are serving.

15 Q And do you provide feedback after
16 receiving the logs of needed changes?

17 A Not necessarily needed changes, but if I
18 -- we look at the logs and we have questions, I need
19 clarification, we'll call, have a follow-up
20 conversation, if needed. Can you tell me more about
21 this, what does this mean, what is this
22 intervention. Because it could be something that we
23 as professionals are not familiar with.

24 But not, you know, too often. But if
25 there are questions, we do follow up.

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1 manager, correct?

2 A My understanding, that changed when the
3 Board rule changed.

4 Q When was that?

5 A The Board rule was reauthorized in 2017, I
6 believe.

7 Q Does GaDOE receive data on how long a
8 student has been in GNETS?

9 A No, I don't receive a report on that.

10 Q That's not information that you collect?

11 A No.

12 Q Like length of stay? Length of placement?

13 A No. Not currently, no.

14 Q Do you have any knowledge on this area of
15 how long an average stay for a GNETS student is?

16 A I do not.

17 Q Is that information that the regional
18 GNETS programs collect?

19 MS. JOHNSON: Objection.

20 A I don't know that they would collect it.

21 Q Do you look at data related to GNETS
22 students who leave and return to the general
23 education setting?

24 A That's the data in the grant application
25 that looks at reintegration.

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1 They list in there, and this is
2 self-reported data from each program, they list
3 students, you know, that went back for
4 extracurricular, students that went back to their
5 home school district. There are different little
6 reporting pieces in there, maybe four or five items,
7 that they provide data through their grant
8 application process. So we do have that
9 information.

10 Q What are the four or five items that are
11 required in the grant application?

12 A One of them was short-term stabilization,
13 return to home school.

14 Let me see. I'm trying to think what else
15 was on there.

16 Or remain center-based. I don't want to
17 misquote but these are some of the pieces of the
18 reintegration those are the examples of the
19 reintegration data that's in the grant app.

20 Q Do you assess this data when looking at a
21 GNETS application?

22 A We do take a look at that.

23 Q What do you look for?

24 A Just what they're reporting as the, the
25 locations that kids are being served.

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1 What we have done previously, too, in
2 strategic plan reviews, that's the data that is
3 looked at with that, and just have conversations
4 with them about the number of kids who have
5 reintegrated, the number of kids that are
6 participating in extracurricular activities. We've
7 had discussions with some -- with them during
8 strategic plan reviews on that.

9 Q What would you discuss with regard to
10 that?

11 A Just asking that question. What does your
12 reintegration data look like? How many students
13 have gone back to their home school districts? How
14 many kids are participating in extracurricular
15 activity with their home school districts?

16 If they are center-based, are the kids
17 leaving centers and going back to participate in
18 extracurricular. Are kids that are school-based,
19 are they participating? When are they exiting?

20 Any questions around reintegration.

21 Q Why are you asking those questions?

22 A It is part of the strategic plan. That's
23 a section we have in there, and it's in the grant
24 app, reintegration data, because we want to see the
25 data and the trends of who's remaining in GNETS and

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1 in what environments and how are they accessing
2 their peers.

3 Q Do you -- it sounds like you review this
4 at the regional program level?

5 A Yes, we do.

6 Q Do you look at it as a whole for the GNETS
7 program?

8 A It's a --

9 Q For all 24 together?

10 A No, I haven't pulled that data as a whole,
11 but I'm able to see it for each individual GNETS.

12 Q Have you ever recommended changes to a
13 regional GNETS program related to that student
14 reintegration data?

15 A I have not.

16 Q Have you ever -- what type of feedback
17 would you provide on those topics?

18 A Feedback may be positive, if they're -- if
19 I'm seeing that kids are going back for some period
20 of a school day or if they're going back for
21 electives, connections, some sports activities, RTC,
22 something like that.

23 And the feedback may be that as -- you
24 know, when you're -- you know, you're looking at
25 LRE, are you guys -- how many kids did you have go

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1 back? What did that look like? What did their
2 services look like when they went back.

3 You know, always encouraging like through
4 the Board rule that kids are educated in -- I know
5 this is special ed jargon, but it's the least
6 restrictive environment. Always encouraging them to
7 look at least restrictive environment per the Board
8 rule and just per IEP process.

9 Q Do you provide any constructive feedback
10 on this point about certain steps to take?

11 A No, because the decisions are so local --
12 they're local. I can't make decision -- or make
13 recommendations for what IEP teams are going to
14 recommend for their students.

15 Q You just mentioned that you in this data
16 look at the number of extracurricular activities for
17 GNETS students, correct?

18 A That's one of the items.

19 Q Do all regional GNETS programs have their
20 students participating in extracurriculars?

21 MS. JOHNSON: Objection.

22 A I don't know. I mean I don't have that
23 data memorized to know if kids have gone back but
24 it's data I can get access to.

25 Q Okay.

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1 rule, the roles for the LEA and the roles for the
2 GNETS directors.

3 Q This is the 2017 Board rule?

4 A Yes, the most updated.

5 MS. TUCKER: Let's take a break for lunch.

6 THE VIDEOGRAPHER: Off the record at 12:52
7 p.m.

8 (A luncheon recess was taken.)

9 THE VIDEOGRAPHER: We're back on the
10 record at 1:41 p.m.

11 BY MS. TUCKER:

12 Q Welcome back, Mrs. Cleveland.

13 A Thank you.

14 Q Do you participate in interviews of the
15 regional GNETS program directors?

16 A No, I do not.

17 Q Do you know who does?

18 A I don't -- well, no, I do not. I know
19 each fiscal agent has their process for how they
20 hire their staff.

21 Q Are you consulted before a regional GNETS
22 director is selected?

23 A No.

24 Q Do you provide any evaluations on the
25 GNETS, regional GNETS program directors?

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1 recently? I believe you said that the programs
2 continue to receive these grants each year?

3 A This one -- but we don't do an assurance
4 for this. We do have fiscal assurances for the
5 other -- I mean for the fiscal agents. There's RESA
6 fiscal assurances for the state grant dollars, and
7 then there's an LEA fiscal assurance.

8 But I don't have a fiscal assurance that
9 is issued for the therapeutic services grant. It's
10 a subgrant, and I don't have any assurances that
11 I've seen around that.

12 Q Do you know when this process stopped for
13 this grant?

14 A I do not, because I've never seen this
15 form.

16 Q Okay.

17 A This is like she's in agreement with a
18 contract provider, maybe. I'm just reading the
19 form.

20 Q An employee of Staff Rehab?

21 A Yeah, it looks like this is something she
22 does.

23 Q But there's no longer assurances for this
24 grant?

25 A No, I'm not aware of any GaDOE assurances

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1 familiar with?

2 A I've seen that old version but I'm not
3 familiar with the contents, whereas I am with this
4 one because this one I was coming in, in the
5 November.

6 Q Why was the rule revised in 2017?

7 MS. JOHNSON: Objection.

8 A I do not know. I wasn't there.

9 Q Did you participate in any conversation
10 since you were at GaDOE at that time?

11 A The rule was revised in July, and I was
12 not working in GNETS. At that time I was a DL.

13 Q And it didn't come up when you were a DL?

14 A No.

15 Q Would you say the GNETS rule informs how
16 you work in your position?

17 A It does.

18 Q In what ways?

19 A One, the SEA roles and responsibilities
20 are defined in that, and I'm able to provide
21 technical assistance to GNETS directors and special
22 education directors on the Board rule and the
23 contents.

24 Q Let's take a look at the rule.

25 I am going to show you what was previously

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1 marked as Plaintiff's Exhibit 82.

2 (WHEREUPON, Plaintiff's Exhibit-82 was
3 previously marked for identification.)

4 BY MS. TUCKER:

5 Q This is -- the top of the document states
6 "160-4-7.15." It says, "Georgia Network for
7 Educational and Therapeutic Supports (GNETS)."

8 Mrs. Cleveland, is this the 2017 rule?

9 A I was going to look at the back.

10 It is, July 5th, 2017.

11 Q Let's turn to Section 5(a) on the SEA's
12 duties and responsibilities. It starts on Page 4.

13 Do you see that?

14 A Yes.

15 Q I believe we both agreed earlier SEA means
16 state educational agency?

17 A Correct.

18 Q So GaDOE?

19 A Yes.

20 Q Do you see where it says: "The SEA shall
21 1. Receive and disburse funds appropriated by the
22 Georgia General Assembly to support GNETS services"?

23 A Yes.

24 Q Who all works on this responsibility
25 within GaDOE?

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1 A This is the budget process. I work with
2 the budget liaison, and this is that process I
3 explained where I get the student record counts.
4 When I get those, usually around July, I get those
5 to Geronald, our budget liaison.

6 It goes through that process of him
7 getting that information to the Office of Planning
8 and Budget, and whatever happens in that legislature
9 process through the budget process that year, once
10 it comes back from them, he then gets the final
11 allocations, once the budget is approved and signed
12 by the Governor. It's my understanding he then gets
13 those allocations to me and then I create the Board
14 item for the allocations.

15 Q How long does that process take?

16 A The budget process, I guess it falls in
17 the legislative calendar, which I'm not sure the
18 first start date or end date, but I know this
19 information, as far as students record count, I
20 typically will get that to Geronald, like in
21 September, like around this time. September I get
22 those numbers to him, and then I don't hear back
23 from him until the spring, once it's gone through
24 that legislative budget process, that these are the
25 approved allocations for GNETS.

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1 And then from there I share with my direct
2 supervisor, Lakesha and Shaun, of course, these are
3 the allocations, whatever fiscal year it is, and
4 then I develop that Board item with the spreadsheet
5 that shows what those allegations are going to be.

6 Q And when are funds disbursed to the GNETS
7 program?

8 A Once it goes -- comes over -- I typically
9 get that April, May, maybe from Geronald. The Board
10 item is created. It goes to the Board for approval,
11 of course. And once the Board approves it, it goes
12 to Grants Accounting Office and the Grants
13 Accounting Office pushes the funding out to their
14 budgets.

15 Q Can you give an estimate of what time of
16 year that is?

17 A April. You know, the, the general
18 assembly does their piece in approving everything,
19 the Governor signs off.

20 This could be -- I kind of handle that as
21 a Board item typically by June. That's when I
22 usually take that item. So I'm getting that
23 information, you know, the Board item developed,
24 approval, sent to whoever it needs to go to, and
25 again it goes to the Board for June.

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1 Q Are there ever items in the budget that
2 you don't approve?

3 A Not, not very often. It may be like that
4 example I gave, if I see something -- the example I
5 remember is 10 positions were on the budget. What
6 exactly, you know, is that for? Is that for
7 parents, teachers? Is it therapeutic people? You
8 know, what are those for?

9 So things like that, but that doesn't
10 happen regularly, from what I can recall right now.

11 Q Let's look at 2 -- 3ii.

12 Do you see where it reads: "Monitor GNETS
13 to ensure compliance with Federal and state
14 policies, procedure, rules, and the delivery of
15 appropriate instructional and therapeutic services"?

16 A I mentioned before the Results Driven
17 Accountability Unit. They monitor through
18 cross-functional monitoring, where they look at
19 those two GNETS files whenever they go out.

20 We have monitored through my -- the two of
21 us, Lakesha and I, through the strategic plan
22 review, you know, looking at that, reviewing that
23 with them. It's a self-assessment type rubric, that
24 they have the different activities outlined in the
25 different focus areas in the strategic plan.

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1 We have gone out and reviewed that with
2 them and looked at their ratings, their
3 self-assessment ratings, and given feedback based on
4 the, you know, the information that they share with
5 us, as to whether or not they are able to show
6 fidelity -- information for -- implementation for
7 the activities, the evidence of that. So we've
8 monitored that.

9 Q Through the strategic plan process?

10 A Uh-hum. For my division, yes.

11 And cross-functional monitoring teams,
12 when they go out, they monitor the RDA monitors,
13 like I said, those two IEPs they may pull. But our
14 budget division also monitors the budgets for the
15 different fiscal agents, and they do sometimes talk
16 with fiscal agents for GNETS about their budgets.

17 Q With the CFM monitoring, it's two IEP
18 files they look at?

19 A For RDA, yes. They pull two.

20 Q For results driven --

21 A -- accountability. They pull two files,
22 and it's random. My understanding from them, it's
23 random.

24 Q Is it the student IEP file only or are
25 there more documents?

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1 A With iReady, they can pull their own
2 reports from that, but I've had the vendor
3 previously present at like a directors meeting what
4 the data looks like. He's done that in the past,
5 what the data looks like for the network.

6 Q Turning back to communicating with the
7 regional GNETS directors, do you discuss therapeutic
8 support and services?

9 A Yes. One way -- one way that's discussed
10 is with the eleven we're able to see what
11 interventions are implemented for that.

12 In the strategic plan reviews, that is one
13 of the focus areas, and in that focus area we
14 discuss, when we've done reviews in the past, what
15 therapeutic services they're providing for the
16 students in their programs for each review. We talk
17 about that in that focus area.

18 Q I know you mentioned you have provided
19 trainings to the GNETS directors. Have you ever
20 presented and provided trainings to staff or
21 teachers?

22 A I've not trained other teachers.

23 Q The training that you provide to the
24 regional GNETS directors, is that intended for them
25 to then take back and train --

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1 A Yes.

2 Q We have to be careful about --

3 A I'm sorry. I'm trying not to do that.

4 Q Don't worry.

5 Do you visit regional GNETS programs?

6 A Yes, I have visited. Of course everything
7 was paused in 2020, but we -- I do like to go visit.

8 Q Have you been to a regional GNETS program
9 since 2020?

10 A Last year? Did I have any meetings? All
11 the meetings have been done virtually, but we're
12 planning to go out this year.

13 So I'm trying to think, make sure I didn't
14 go anywhere in 2019 or 2021.

15 Not that I can recall right now. I don't
16 think we went out in 2021. Not that I can recall.

17 Q Do you have any trainings --

18 MS. TUCKER: Scratch that.

19 BY MS. TUCKER:

20 Q Do you have any visits planned for the
21 next few months?

22 A We're planning. We're in the process of
23 planning. Our specialists in our location are
24 looking at planning dates to go out. Because our
25 meeting, even though the GNETS directors meetings

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1 have been virtual, of course since 2020, but we're
2 looking this year in trying to do maybe three that
3 are face-to-face.

4 We're starting out with our first one
5 virtually and then the next one we plan to do
6 face-to-face.

7 Q Which programs are those meetings with?

8 A That's with all the programs. All the
9 GNETS directors.

10 Q I want to turn back to something a moment
11 ago --

12 A Okay.

13 Q -- when we were speaking at the same time.

14 We spoke about the trainings. You provide
15 trainings to the regional GNETS directors, correct?

16 A Correct.

17 Q And you have not provided trainings to the
18 GNETS staff or teachers, correct?

19 A Correct.

20 Q The trainings that you provide to the
21 regional GNETS directors, are those then presented
22 back to the regional GNETS program staff?

23 MS. JOHNSON: Objection.

24 A I don't know if they re-deliver everything
25 because some of the training that I provide, it may

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1 be applicable to local teacher staff and it may not.
2 So I don't know what specifically they're taking
3 back, but a lot of the topics that we provide
4 training on are those administrative type things,
5 like the TKES and LKES training.

6 I don't provide that training but I have
7 Deanie, who runs -- is a program specialist, I
8 believe, for TKES and LKES, provide that training,
9 and some GNETS directors may take that back or may
10 not. I'm not sure.

11 Q Do you provide presentation materials in
12 advance or after the fact?

13 A Yes, I do provide those presentation
14 materials.

15 Q When you visit a regional GNETS program,
16 do you visit all the sites?

17 A I have not been able to visit every site,
18 but my first couple years I was able to visit quite
19 a few, not all.

20 But as we plan for visits for next year,
21 that's what we've been looking at, is trying to
22 touch as many as we can.

23 Q What reasons do you visit a regional GNETS
24 program?

25 A One, to observe what's going on

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1 there's any objection to privilege.

2 MS. TUCKER: Thank you.

3 MS. JOHNSON: Would you remind me which
4 Bates number we're on?

5 MS. TUCKER: The document starts at
6 GA00363542.

7 MS. JOHNSON: Okay.

8 MS. TUCKER: And this is Plaintiff's
9 Exhibit 388 -- or 387.

10 A So we're still on this?

11 Q Yes. We'll go back to that. Thank you,
12 Mrs. Cleveland.

13 Mrs. Cleveland, you recognize this email?

14 A The email -- top part, where it was
15 forwarded to me?

16 Q Yeah.

17 A Yes.

18 Q And when you received it, you looked at
19 the bottom part of the email as well?

20 A Yes.

21 Q Do you see -- who's Joanna Mock?

22 A Joanna Mock is the GNETS director for
23 Heartland Academy program.

24 Q Am I correct Joanna Mock is emailing the
25 other regional GNETS directors?

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1 A Because this document, it looks like it
2 was created by the director. But my communication
3 was information on IEP file reviews.

4 Q What did you tell the regional GNETS
5 directors regarding your request for information?

6 A To review their files in light of the
7 information on this form. IEP file review. To
8 review their files based on this information
9 checklist.

10 Q Did you provide a reason for why you were
11 requesting this information?

12 A No; just that it was an IEP file review.

13 Q Okay. And how long did you give the
14 regional GNETS programs to respond?

15 A I don't recall the timeline.

16 Q Okay. Let's turn to the attachment, which
17 is the form at the top which says, "GaDOE Student
18 Information Checklist."

19 Did you request during the file review for
20 the GNETS student's name -- or the GNETS' name?

21 A Yes.

22 Q Do you think this refers to a GNETS
23 student name?

24 A The program name.

25 Q This refers to the program name? How does

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1 that work then if No. 2 is requesting the age?

2 A I'm sorry, I want to make sure I -- it
3 says GNETS name.

4 It looks like that is the name of the
5 GNETS program, because it -- down here it talks
6 about GTID, which would identify a student.

7 Q Okay. So No. 1, you request the regional
8 GNETS programs to look through their IEP files and
9 include the GNETS name?

10 A Yes.

11 Q And then age of the student?

12 A Uh-hum. (Affirmative.)

13 Q Grade of a student?

14 A Yes.

15 Q The last four of the GTID?

16 A Yes.

17 Q What is a GTID?

18 A It's the Georgia identification number for
19 students, enrolled in Georgia schools.

20 Q The date of GNETS entry?

21 A Yes.

22 Q The reason for GNETS placement?

23 A Yes.

24 Q The primary eligibility?

25 A Yes.

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1 Q The medical diagnosis?

2 A Yes.

3 Q The secondary eligibility?

4 A Yes.

5 Q Whether the student's record indicated
6 that they were unable to receive FAPE in a lesser
7 restrictive environment?

8 A Yes.

9 Q Am I correct that you also asked for
10 additional documentation if an answer was yes to
11 that question?

12 A Yes.

13 Q Whether the student had an FBA prior to
14 GNETS services?

15 A Yes.

16 Q You asked for the FBA date upon entry?

17 A Yes.

18 Q The current FBA date?

19 A Yes.

20 Q Whether the student had a BIP prior to
21 entering GNETS?

22 A Yes.

23 Q The current BIP date?

24 A Yes.

25 Q Whether a comprehensive reevaluation was

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1 completed within the last three years?

2 A Yes.

3 Q Their most recent IEP review date?

4 A Yes.

5 Q Whether an IEP meeting included a GNETS
6 director or their designee?

7 A Yes.

8 Q Whether the student has an IEP goal for
9 behavior?

10 A Yes.

11 Q And you asked for each therapeutic service
12 to be identified that a student receives?

13 A Yes.

14 Q And am I correct that you asked the next
15 questions related to the continuum of GNETS
16 services, delivery and environments?

17 A Uh-hum. Yes.

18 Q You asked -- you asked whether the IEP
19 considered -- the IEP team considered the general
20 education setting in the student's own school or
21 public school?

22 A Yes.

23 Q Whether the IEP considered a pullout from
24 the general education setting as part of their
25 school day in a zoned school or other public school?

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1 A Yes.

2 Q Whether the IEP team considered the
3 student's zoned school or other public school as
4 part of the school day in a setting dedicated to
5 GNETS?

6 A Yes.

7 Q Whether the IEP team considered the
8 student's zoned school or other public school for
9 the full day in a setting dedicated to GNETS?

10 A Yes.

11 Q Whether the IEP team considered a facility
12 dedicated to GNETS for part of the school day?

13 A Yes.

14 Q And did the IEP team consider a facility
15 dedicated to GNETS for the full school day?

16 A Yes.

17 Q Do you recall if you asked for any
18 additional information?

19 A I do not recall asking for any additional
20 information.

21 Q Was this information requested for all
22 GNETS students?

23 A Yes.

24 Q For a certain school year or for a period
25 of years?

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1 A I believe it was for the most recent --
2 current, recent -- or current school year when we
3 requested the data.

4 Q So given the email is dated November 2nd,
5 2020, am I correct that you were referring to the
6 2020 to 2021 school year?

7 A Yes.

8 Q And did you review the data that you
9 received?

10 MS. JOHNSON: You can answer whether you
11 reviewed data received from the directors,
12 whether you personally did.

13 A Some data but not all the data. I have
14 not had the opportunity to review the data, all the
15 data.

16 Q Which data did you elect to look at at
17 this time?

18 A It was -- we were looking at going through
19 and reviewing it for all the GNETS that had
20 submitted the data, probably looked at a couple of
21 files but have not had an opportunity to dig in to
22 the data.

23 Q Okay. Have you requested this information
24 again for the next school year?

25 A I have not.

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1 Q And I think I asked this. Did they have a
2 deadline to complete the information requested?

3 A I don't recall the deadline. I would have
4 to -- but I don't recall. I can't recall right now
5 a deadline.

6 Q Is there any other data that GaDOE
7 regularly collects from the regional GNETS programs
8 that we haven't discussed yet?

9 A We talked about therapeutic services, the
10 information we get. Of course, the student record
11 file we get.

12 I can't think of any -- at this moment
13 recall any other data that I get from Data
14 Collections and therapeutic services information.

15 Q Thank you. You've referenced the GNETS
16 Strategic Plan a few times during our conversation
17 today?

18 A Uh-hum. (Affirmative.)

19 Q Remember the yeses and nos.

20 A Yes.

21 Q What is the purpose of a GNETS Strategic
22 Plan?

23 A The strategic plan serves as a framework
24 for the implementation of services throughout the
25 network. Those six focus areas are included in the

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1 strategic plan. Again, it's a framework to guide
2 the work for the network.

3 Q How did it originate?

4 A History before my tenure, I know that
5 there was a revision in 2016.

6 2019 we've did an update, Lakesha and I
7 with some of the directors, stakeholders, children
8 stakeholders. We updated -- I'm not sure
9 historically where it originally came from, but I do
10 know, as I was coming in and Nakeba was moving out
11 of the position, it was in place. Again, we did
12 another update in 2019.

13 Q Did you make many changes in 2019?

14 A Not many changes. We did reduce the focus
15 year from seven to six. We combined program
16 leadership and accountability into that first focus
17 area because some of the information and the
18 activity was some of the same, kind of asking the
19 same questions. If we were doing a review, it may
20 be that we were seeing the same artifacts presented.

21 So we decided to, with input from the
22 directors and the stakeholders, to combine those two
23 areas, but those were the only big changes, went
24 from seven to six focus areas, but a lot of the
25 other content pretty much stayed the same, just a

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1 few revisions here and there.

2 Q And that was you and Lakesha?

3 A We led it. We also had GNETS directors be
4 a part of that.

5 We got feedback in a directors meeting
6 from all the directors. Hey, here is Section 2 of
7 the strategic plan, we'd like your feedback, and we
8 got their feedback. And then this team -- Lakesha,
9 not a team, and directors came together to finalize
10 what some of those revisions would be, but not major
11 revisions.

12 Q Thank you.

13 How often are the strategic plans
14 completed by the regional GNETS programs?

15 A They should -- that's the framework, so
16 they use those each year. That's that
17 self-assessment piece where they do a
18 self-assessment on their implementation of the
19 framework, and they do one in the fall and then they
20 do one at the end of the year.

21 Q Let's walk through the steps related to
22 the GNETS strategic plan as if I was a regional
23 GNETS director.

24 A Okay.

25 Q So you mentioned that there's a

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1 self-assessment in the fall?

2 A Yes.

3 Q What does that entail?

4 A They take the strategic plan, which has a
5 rubric built within it, and they go through the
6 different activities and they rate themselves. It's
7 a self-assessment piece. For this specific
8 activity, are we operational on this activity, is it
9 emerging in our practices or do we see it's not
10 evident.

11 So with that self-assessment, they then
12 use that data and they work with their local teams
13 to say, for instance, if it's therapeutic services
14 section, we're not -- we're reviewing ourselves, our
15 self-assessment. We're not seeing these artifacts
16 of evidence of this implementation, and they then
17 meet as a team and work on ways to get to that place
18 of trying to get all of the activities moving to
19 operational.

20 Q What are the ratings?

21 A Operational, emerging, and not evident.

22 Q With operational being the highest?

23 A Yeah, that they are able to go through
24 that rubric and they can see what the activities
25 that are outlined in the framework, that they're

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1 implementing those activities.

2 Q So that happens during the fall semester.
3 Is there a deadline to which they have to complete
4 that self-assessment?

5 A Most -- some will do it in early -- in
6 October, but most get it done by December, so that
7 they then can be ready to do their end of year. End
8 of year.

9 Q Do you receive the fall self-assessment?

10 A I get those at the end of the year as part
11 of their strategic -- I mean grant application.
12 That is one of the required attachments that we ask
13 for.

14 Q So you receive it in the grant
15 application?

16 A Yes.

17 Q Do you receive it when you receive their
18 end of the year self-assessment?

19 A They're both submitted at the same time.

20 Q With the grant application?

21 A With the grant application.

22 Q So the GNETS Strategic Plan
23 self-assessment is not --

24 MS. TUCKER: Scratch that.

25

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1 BY MS. TUCKER:

2 Q Is the GNETS Strategic Plan
3 self-assessment submitted independently at the end
4 of the year to you?

5 A Yes. Each GNETS director submits that.

6 Q And about what time of year at the end?

7 A This year we changed that the grant
8 applications had to be in by May 31st.

9 Q So it's always an attachment to the grant
10 application?

11 A That part of it. A lot of change process
12 -- and processes. Some changes.

13 This -- for this past year, it was part of
14 the end of year grant application process. They had
15 to submit that. And now we -- our next steps would
16 be to now schedule time, visits to go, or virtual
17 meetings to talk to them about their end of year
18 ratings and how their teams landed there.

19 And then there's a self-assessment
20 summary, once they've done those ratings, their end
21 of year, and they see kind of the different focus
22 areas, hey, we're operational here, we're kind of
23 still emerging in this, emerging in this area. They
24 then rank for priorities. They rank the priorities
25 for the different focus areas. What's the No. 1

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1 area for you, what's the No. 2 area for you.

2 And we'll have conversations with them
3 about how they rank themselves, and they'll share
4 how they kind of landed with their ratings.

5 MS. TUCKER: I'd like the court reporter
6 to mark this document as Plaintiff's Exhibit
7 388.

8 (WHEREUPON, Plaintiff's Exhibit-388 was
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is an email from you to Zelphine
12 Smith-Dixon and Shaun Owen. The date is August
13 28th, 2020, and the subject is updated revisions to
14 the strategic plan, and there's one attachment.

15 Again, it's GA00362004.

16 Mrs. Cleveland, do you recognize this
17 email?

18 A Yes. Yes.

19 Q And then let's turn to the second page,
20 which is with Bates GA00362005.

21 Am I correct that this is a document
22 titled "Georgia Network for Educational and
23 Therapeutic Support, Strategic Plan"?

24 A Yes.

25 Q "Implementation Fidelity Checklist &

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1 And ensure students social and emotional.
2 This one has quite a few action items.

3 So as they -- as they implement this
4 framework, these are things we're looking at within
5 their programming. Are you implementing these
6 action items, and to what standard within the
7 rubric.

8 Q So at the top of Goal 2, it says:
9 "Throughout the school year, 100% of GNETS programs
10 will demonstrate highly reliable evidence of
11 implementing 'evidence based' behavioral support and
12 therapeutic services for all students at an
13 operational level."

14 Do you see that?

15 A I would need to have their ratings in
16 front of me. I can't definitively say, but I can
17 see when I do the reviews if they're implementing
18 that or not at that level. I don't know the
19 numbers.

20 Q So what happens if a regional program did
21 not meet a hundred percent?

22 MS. JOHNSON: Objection.

23 A There's conversation, okay, you didn't
24 meet this action item at operational. What is your
25 team working on to do -- you know, working to

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1 implement to get to that place?

2 And the last part of the strategic plan,
3 it has that summary. So these areas where they may
4 not be meeting at operational, you know, at a
5 hundred percent, or meeting any of the action items
6 at 100 percent, that's where the local team writes
7 their priorities of areas that they need to work on,
8 areas of improvement.

9 Q If a program was to not receive a hundred
10 percent, would you then look differently at this
11 portion the following year?

12 MS. JOHNSON: Objection.

13 A We would definitely want to have follow-up
14 conversation. Hey, you didn't meet this action item
15 a hundred percent, what has the local GNETS put in
16 place to meet that.

17 Q When would you have those conversations?

18 A Typically, when we did them before, when
19 we were face-to-face, we would have those
20 conversations then. Because, remember, they have
21 done their self-assessment. They're then sharing
22 with us what they have implemented, and that
23 conversation could come up in their strategic plan
24 review.

25 You're emerging here, you know, how --

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1 what are you going to be doing to get this to
2 operational.

3 Q Who's involved in those conversations?

4 A Lakesha and I do -- have done the
5 strategic plan reviews in the past. Whether we were
6 doing them together or I was doing one or she was
7 doing one, the districts, we would be in those
8 conversations.

9 Q Can a program still be funded through the
10 GNETS grants if they don't meet these goals?

11 A Yes, the grant. Yes, they receive the
12 grant.

13 Q Are other steps taken in addition to the
14 conversations and further monitoring if they do not
15 meet the goals identified in the strategic plan?

16 A Say the question again.

17 Q Sure. They're various goals in the
18 strategic plan, correct?

19 A Right.

20 Q You mentioned that if a regional program
21 does not meet it, you have conversations about what
22 steps to take --

23 A Or they share with us.

24 Q -- or they share with you.

25 What other steps are taken by GaDOE?

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1 Q And am I correct that you've just flipped
2 to Bates GA --

3 A I'm sorry.

4 Q -- 00362022?

5 A Yes.

6 Q So this is a sample self-assessment
7 improvement summary plan?

8 A Yes.

9 Q How long -- in the past, how long do the
10 strategic review plan meetings last?

11 A They could average three hours because we
12 would really go through the artifacts with them. So
13 approximately could be three hours. Two and a half,
14 three hours.

15 Q Circling back to the summary, does anyone
16 else at GaDOE receive these?

17 A No.

18 Q Just you and Lakesha?

19 A We receive them, yes.

20 Q Are they attached as part of the GNETS
21 grant application?

22 A Yes, the summaries are. Well, that's the
23 new process that I put in place this year.

24 Q Will the full self-assessment also be
25 attached this year, or just the summary?

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1 A We haven't finalized that for this year --
2 You mean for the reviews we're going to do -- for
3 the ones that we're going to review for their past
4 21-22 school year, it's just the summaries.

5 No, I have not made any decisions on what
6 that will look like for the next school year. Still
7 a lot of planning.

8 Q Who are you doing this planning with?

9 A I'll plan with my program specialist,
10 which is Lakesha, because we work in this work. And
11 of course I will share that with the special
12 education director, Wina.

13 MS. JOHNSON: Michelle, before we move on,
14 just to clean up the record, do you want to go
15 back to this document ending in 535? It was
16 one of the ones that we objected to, and just
17 to clarify the record, we withdraw the
18 objection to this document.

19 So to the extent you have any questions
20 about this exhibit, we can move forward with
21 that, just to lessen what we have to do on the
22 back end after today.

23 MS. TUCKER: Thank you. It's ending in
24 535?

25 MS. JOHNSON: 535. It was just this one

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1 A I think Lakesha and I worked on it
2 together.

3 Q Am I correct this document includes the
4 on-site monitoring for the strategic plan reviews
5 for fiscal year '18?

6 A '18 or '19?

7 Q The first sentence it says, quote "On-site
8 monitoring visits" --

9 A I --

10 Q I'll just finish it for the record.
11 "On-site monitoring visits will be
12 completed based on ratings received from the FY18
13 Strategic Plan Summary Reviews."

14 Do you see that?

15 A Yes.

16 Q Thank you. So am I correct by looking at
17 this that programs that you visited in person versus
18 virtually, it was based on scores?

19 A Yes. This was how it was previously --
20 feedback was previously provided. This was in 2019
21 -- 2018, '19.

22 The previous process, because that process
23 has changed. We've now moved to just the rubric
24 ratings. We would take a look at each focus area
25 and look at rating based on percentages. If it's

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1 five activity action items were in that area, they
2 got four in operation on that area. That's an 80
3 percent rating.

4 So we were using a numerical rating, but
5 we all have been moved towards just feedback on
6 implementation based on the rubric.

7 Q So I'm correct that you moved from a
8 numerical rating to the operational, emerging --

9 A Yes.

10 Q -- not evident?

11 A Not -- rubric rating, yes.

12 Q That's what you referred to as the rubric
13 rating?

14 A Yes.

15 Q What led you to make that change?

16 A Just in discussion with the State
17 director. Not being able to have that conversation
18 to be able to know what the timeline was, but I
19 think initial conversations, and I don't know this
20 definitively, were to -- the ratings -- the
21 numerals were only looked at for three years.

22 So just in conversation with the State
23 director, we decided to move towards fidelity
24 implementation, using the rubric process versus
25 numerical.